

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ROBERT GARLAND

v.

CITY FINANCE, ET AL.

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Case No. 4:10CV386

Judge Schneider/Judge Mazzant

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

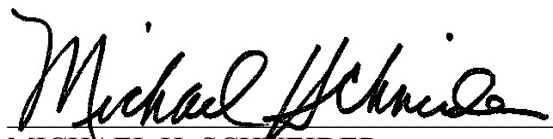
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 12, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant City Finance's Second Amended Rule 12(b)(6) Motion to Dismiss Plaintiff's Original Complaint (Dkt. #53) should be granted and the case should be DISMISSED with prejudice.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant City Finance's Second Amended Rule 12(b)(6) Motion to Dismiss Plaintiff's Original Complaint (Dkt. #53) is GRANTED and the case is **DISMISSED** with prejudice.

**It is SO ORDERED.**

**SIGNED this 14th day of November, 2011.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE